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11 *Attorney for Plaintiff Troy Emanuel, Jr.

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Troy Emanuel, Jr.,
15 Plaintiff,
16 v.
17 Collin, *et al.*,
18 Defendants.

Case No. 3:20-cv-00566-RCJ-CLB

**Order Granting Joint
Stipulation to Extend Service
of Process Date**

19 The parties stipulate that counsel for Plaintiff Troy Emanuel, Jr., shall have
20 an additional 14 days, or until December 4, 2023, to serve Defendant Brandon
21 Stubbs with a summons, the amended complaint, and the order granting the motion
22 to amend the complaint. The parties enter this stipulation under Fed. R. Civ. P.
23 4(m). The parties make this stipulation in good faith and for good cause based on
24 the following.

25 On September 21, 2023, this Court entered an Order directing newly added
26 Defendants Shane Brown and Brandon Stubbs be served with a summons, the
27 amended complaint (ECF No. 139), and the order granting the motion to amend the

1 complaint (ECF No. 129). ECF No. 158. The Court ordered that service on these
2 Defendants be completed by November 20, 2023. ECF No. 158.

3 However, given Mr. “Emanuel’s *pro se* status and the issues with service,” the
4 Court directed the Clerk to issue a summons for Defendants Brown and Stubbs and
5 also directed the U.S. Marshal to serve the summons and above-listed documents on
6 them. ECF No. 158. As a result, Defendant Brown was served on November 10,
7 2023. ECF No. 173. However, service could not be made on Defendant Stubbs. ECF
8 No. 166.

9 Though Defendant Stubbs’ home address remains under seal (ECF No. 158),
10 Mr. Emanuel’s counsel believe they have located Defendant Stubbs’ home address.
11 Mr. Emanuel’s counsel is thus preparing the summons, amended complaint, and
12 order granting the motion to amend the complaint for service on Defendant Stubbs
13 through an external process server. Additional time is thus needed to allow the
14 process server to serve Defendant Stubbs.

15 The deadline for service is currently November 20, 2023. ECF No. 158. An
16 extension of the time for service, however, should be granted when the plaintiff
17 shows good cause. *See* Federal Rule of Civil Procedure Rule 4(m); *Lemoge v. United*
18 *States*, 587 F.3d 1188, 1198 (9th Cir. 2009) (Rule4(m) establishes a “mandatory”
19 rule that the “district court must extend time for service upon a showing of good
20 cause”).

21 The parties submit good cause exists here to extend the time for service on
22 Defendant Stubbs, including: (1) Mr. Emanuel’s *pro se* status; (2) the failed attempt
23 at service on Defendant Stubbs by the U.S. Marshal; (3) Defendant Stubbs’ home
24 address remains under seal; and (4) the need for Mr. Emanuel’s counsel to hire an
25 outside process service to complete service on Defendant Stubbs. The parties
26 therefore stipulate to extend the service date on Defendant for 14 days, until
27 December 4, 2023. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d. at 1198.

1 Dated November 20, 2023.

2
3 Aaron D. Ford
4 Attorney General

5 s/ Andrew C. Nelson
6 Andrew C. Nelson
7 Deputy Attorney General

Rene L. Valladares
Federal Public Defender

8 s/ Ryan Norwood
9 Ryan Norwood
10 Assistant Federal Public Defender

11 s/ Amy B. Cleary
12 Amy B. Cleary
13 Assistant Federal Public Defender

14 **IT IS SO ORDERED:**

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16 UNITED STATES MAGISTRATE JUDGE

17 DATED: November 20, 2023
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